

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN THE MATTER OF:

RAFAEL RIVERA ORTIZ

CASE NO. 10-03082-BKT

CHAPTER 13

DEBTOR (S)

BANCO POPULAR DE PUERTO RICO

MOVANT

vs.

RAFAEL RIVERA ORTIZ

& JOSE R. CARRION,
Chapter 13 Trustee

Motion for Relief of the Stay
Pursuant to 11 U.S.C. §362(d)

DEFENDANTS

TRUSTEE'S POSITION

TO THE HONORABLE COURT:

José R. Carrión, Chapter 13 Trustee, co-defendant, represented by the undersigned attorney, very respectfully alleges and prays:

1. The Trustee hereby provides a report of the status of the administration of this case and how it relates to movant.
2. A Chapter 13 Plan has been confirmed in this case. The current Chapter 13 Plan is the one dated April 16, 2010, with a plan base of \$10,500.00.
3. .
4. Movant treatment under current Chapter 13 plan is as follows:
 - Debtor to pay arrears under the plan and current payment directly to movant.

5. As of November 09, 2010 the status of payments received in the case and disbursements to Movant are described as follows:

- Total Paid In:	\$1,050.00
- Balance on Hand:	\$175.00
- Last Payment date:	November 04, 2010
- Last Payment amount:	\$175.00
- Amount in Default:	\$0.00
- Months in Default:	0
- Movant Claim Type:	PRE MORTGAGE ARREARS
- Movant Claim No.:	05-1
- Movant Claim Amount:	\$6,512.33
- Principal Paid:	\$0.00
- Interest Paid:	\$0.00
- Unpaid Balance:	\$6,512.33

6. If the proposed or confirmed plan provides for direct payments to movant, the Trustee cannot make an informed opinion as to her/his/their compliance with such payments.

7. The Trustee's position is the following: If debtors' plan proposes the surrender of Movant's collateral and/or the consent to the lift of the stay in favor of Movant, and/or the plan payments under the plan are in default and/or debtors' direct payments to Movant are in default, the Trustee does not oppose Movant's request. On the other hand if debtors' plan does not propose the surrender of Movant's collateral or the consent to the lift of the stay in its favor, and/or the plan payments are up to date and/or the direct payments to Movant are up to date, the Trustee opposes Movant's request.

WHEREFORE, for the reasons herein set forth, the co-defendant respectfully prays from this Honorable Court to accept the Chapter 13 trustee's position and after the pertinent proceedings resolve the controversies set forth in the contested matter.

I HEREBY CERTIFY that on the same date it is filed, I notified a true copy of this document to the Debtors-co-defendants to their address of record by first class mail, and by electronic means (CM/ECF System) to her/his/their attorney of record and to Movant's through their attorney of record.

In San Juan, Puerto Rico this, Tuesday, November 9, 2010 .

/s/ Jose R. Carrion

Jose R. Carrion
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